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AZ MEDICAL BOARD

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

STEVEN M. GITT, M.D.

License No. 17134

For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-06-0322A

MD-06-0680A

**CONSENT AGREEMENT FOR
LETTER OF REPRIMAND**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Steven M. Gitt, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement of any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding. The acceptance of this Consent Agreement does not preclude any other agency, subdivision or officer of this State from instituting other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

7. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the acceptance of the Consent Agreement. Respondent may not make any modifications to the document.

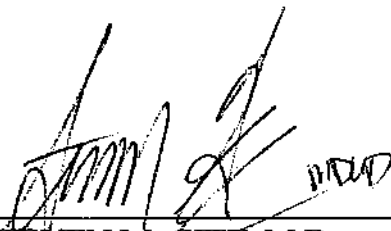
Any modifications to this original document are ineffective and void unless mutually approved by the parties.

8. If the Board does not adopt this Consent Agreement, Respondent will not assert as a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense.

9. This Consent Agreement, once approved and signed, is a public record that will be publicly disseminated as a formal action of the Board and will be reported to the National Practitioner Data Bank and to the Arizona Medical Board's website.

10. If any part of the Consent Agreement is later declared void or otherwise unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force and effect.

11. Any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter") and 32-1451.



STEVEN M. GFTT, M.D.

DATED: 7-31-08

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Respondent is the holder of license number 17134 for the practice of allopathic medicine in the State of Arizona.

CASE NUMBER MD-06-0322A

3. The Board initiated case number MD-06-0322A after receiving a complaint regarding Respondent's care and treatment of a forty-seven year-old female patient ("TB"). The complaint also alleged improper billing.

4. On March 9, 2006, Respondent performed circumferential bodylifting and brachioplasty procedures on TB including liposuction. The liposuction for the bodylift was performed on her abdomen, buttock, hip and thighs.

5. Prior to the surgery, Respondent's office staff obtained verification from TB's medical insurer that the anesthesia and operating room were covered under her insurance, but the circumferential bodylifting, and brachioplasty procedures including liposuction were not covered because they were considered cosmetic surgery. Therefore, Respondent and TB agreed that she would pay in advance for all cosmetic procedures. TB signed an agreement to that effect and made payment to the North Valley Outpatient Surgery Center ("NVO SC") and Respondent.

6. Following the surgery, Respondent billed TB's insurer for a procedure which TB's insurer declined to pay. Respondent then billed TB for the procedure. TB

refused to pay stating she paid for the procedures that were considered cosmetic in advance.

CASE NUMBER MD-06-0680A

7. The Board initiated case number MD-06-0680A after receiving a complaint regarding Respondent's care and treatment of a thirty-one year-old female patient ("SB").

8. On June 6, 2006, Respondent performed bilateral breast augmentation with mastopexy (breast lift) on SB. Prior to the surgery, Respondent identified that SB had a tuberous breast-type of deformity.

9. On multiple post-operative visits with Respondent's physician assistant or a nurse practitioner, SB complained of right breast pain and swelling. Respondent did not see SB on those visits or supervise the physician assistant or nurse even though he performed the surgery.

10. Following one month of post-operative care, SB continued to complain of excessive right breast pain and noticed that her right breast was lower than the left. SB was given a breast band stabilizer to correct the asymmetry.

11. On July 27, 2006, approximately seven weeks after the surgery and without resolution, Respondent saw SB for the first time and offered her revisional surgery. SB declined.

12. The standard of care requires a physician to timely diagnose and properly treat asymmetry.

13. Respondent deviated from the standard of care because he failed to timely diagnose and properly treat SB's asymmetry. It was approximately seven weeks after the surgery that Respondent saw SB for the first time and offered revisional surgery.

14. As a result of Respondent's failure, SB suffered breast asymmetry.

15. The standard of care requires a supervising physician to properly supervise a PA and staff in the treatment and care of post-operative patients.

16. Respondent failed to appropriately supervise his PA and staff in the treatment and care of SB post-operatively which resulted in complications which might have been averted with proper supervision and direct post-operative treatment by Dr. Gitt.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public."); A.R.S. § 32-1401(27)(w) ("[c]harging or collecting a clearly excessive fee. . ."); A.R.S. § 32-1401(27)(ii) ("[l]ack of or inappropriate direction, collaboration or direct supervision of a medical assistant or a licensed, certified or registered health care provider employed by, supervised by or assigned to the physician."

ORDER

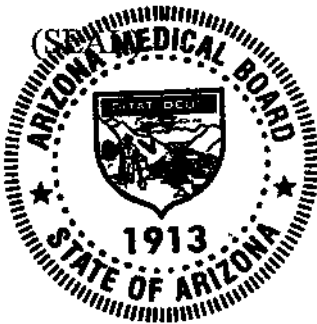
IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Letter of Reprimand for failure to provide adequate post-operative patient care; for failure to adequately supervise a physician assistant; and for failure to timely diagnose and properly treat an operative complication regarding patient SB and for improper billing as to patient TB.

2. This Order is the final disposition of case numbers MD-06-0322A and MD0680A.

DATED AND EFFECTIVE this 8th day of August, 2008.

ARIZONA MEDICAL BOARD



By L. S. Wynn

Lisa S. Wynn
Executive Director

ORIGINAL of the foregoing filed
this 8th day of August, 2008 with:

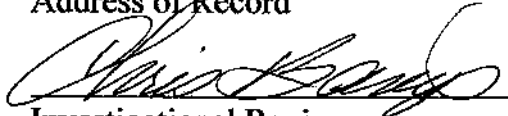
Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed
this 8th day of August, 2008 to:

Melody A. Emmert Esq.
Quarles & Brady Streich Lang, LLP Two North Central Ave
Phoenix AZ 85004-2305

EXECUTED COPY of the foregoing mailed
this 27th day of August, 2008 to:

Steven M. Gitt, M.D.
Address of Record


Investigational Review